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Comments on Glenn May's Article

Fernando N. Zialcita

Those prefixes “pre-” and “non-”—as in “pre-capitalist” and “non-capitalist” economies—are misleading. They trick the unwary into believing that because Cases A, B, and C either occurred before or are not Case X, they therefore must be the exact opposite of Case X, and that differences among them are inconsequential. Data on pre- and non-capitalist land tenure in the Philippines abound. For the sixteenth and seventeenth centuries, there are Spanish accounts of the Tagalog and the Visayan; for the early twentieth century, field-based ethnographies on the peoples of the Cordillera and Sierra Madre in Luzon and of the uplands of Mindanao. Unfortunately, in the twentieth century many authors interpreted land tenure patterns in these data simplistically as being the exact opposite of capitalism. Supposedly, these patterns did not recognize individual ownership, for their emphasis was on “communal ownership.”

Such an interpretation has important consequences for responses to social challenges, be these agrarian reform or conserving the forests. It makes one believe that: (1) Filipinos instinctively enjoy pooling their efforts and assets together even if they are not kinspersons; (2) rampant individualism today is merely the result of Western, capitalist-induced self-seeking; and (3) it is a matter of sloughing off this individualist excrescence. Various efforts launched by both the government and NGOs take off from this interpretation. When they fail, as happened to some famous and expensive efforts, “pervasive Western individualism” is blamed. In fact, the empirical data should have been revisited.

In an article I wrote to honor William Henry Scott, which was cited by Glenn May, I suggested using two approaches in interpreting the data: (1) cultural ecology, and (2) notions elucidated by Marx himself rather than by his mechanistic interpreters. Both look closely into the system of production in a particular society.

Cultural ecology claims that the dominant technology of a society, together with its population patterns and the precise kind of physical environment it dwells in, subtly determines other features of its culture, such as land tenure. For instance, it distinguishes between shifting cultivation and sedentary agriculture. After clearing a patch of the forest, preferably on a slope, the former creates a garden of many crops, among them rice. But the garden is temporary. After a few years, it must be abandoned and allowed to be overgrown by the forest because, without irrigation, the ground hardens. In contrast, sedentary agriculture creates permanent fields given over to a dominant crop. These require more time and investment because every season the ground must be plowed and harrowed, and rice paddies created.

I suggested that we should assume that private, individual ownership of land would not make sense in a situation of shifting cultivation because of the impermanent gardens. On the other hand, we should not assume either that the land is "communally owned." Owned by whom? An extended family? The residents of a village including non-kin? This question needs to be carefully examined. In Schlegel's twentieth century study of Tiruray shifting cultivators in western Mindanao, unused land can be used by anyone. But it belongs to no one. In contrast, in Alcina's account of seventeenth-century Visayas, indeed no shifting cultivator claims the land as his own, but the *barangay* covering the land has definite boundaries. Together with his kin, the *datu* claims dominion over the *barangay* and punishes trespassers.

I also suggested that in wet rice cultivation private, familial ownership asserts itself because the farmer develops an attachment to that piece of land where he has expended much energy. Indeed, early-twentieth-century ethnographies of the Ifugao and Bontoc clearly talk of class distinctions based on the ownership/nonownership of land. While Plasencia's sixteenth-century account of wet rice cultivators on the shores of Laguna de Bay is skimpy, he cites the case of a *datu* who

bought land from another, divided it among his followers, and exacted rent (*terrazgo*).

Glenn May's article, written from a historian's perspective, sheds new light on the issue of pre-Hispanic land tenure. He shows how other historians subsequent to Phelan simply accepted his claims about pre-Hispanic land tenure instead of reexamining the primary sources. He also establishes that early Spanish accounts of land tenure in Luzon do suggest that there were wealthy, indigenous families that owned land inherited from their ancestors. Unfortunately, when he examines the land tenure that existed then, for instance, among shifting cultivating Visayan, he does not distinguish between types of cultivation. Doing so would have strengthened his arguments.

There is another welcome feature in May's article. He shows that land tenure in sixteenth-century Spain did not consist solely of individual landholdings. Communal ownership of land by the village was recognized. This validates the rewritten version of my article cited above that will appear in a book now in the press. There I point out that Spanish law recognized the municipality's right to own a productive tract of land that all its residents could use. This right was operative in Spain, Mexico, and the Philippines down to the twentieth century. What I failed to do, for lack of space, was to show how the spread of capitalism in the nineteenth century weakened this practice in many localities. An investigation into this collision should be pursued.

I suggest that investigations of pre-Hispanic land tenure dialogue explicitly with Marx. The belief in "primitive communism" has become part of our age's *Zeitgeist*; it is held even by non-Marxists. It stems from the mistaken notion that Marx posited such a stage, and that he idealized it. However, in *The German Ideology*, Marx states that communal ownership of the means of production is impossible in a "tribal" mode of production, for the tools are too simple. Matters change in the industrial city because basic resources, like water, must indeed be owned in common. Greater interdependency between households results. A dialogue with Marx enables people to question elements of the *Zeitgeist* that they have accepted unquestioningly.

Jaime B. Veneracion

The day I received a copy of G. A. May's article I had been reading a similar work by Owen Lynch (1988). And, true enough, as May emphasizes, the Lynch article starts with a citation from John Leddy Phelan: that the primary innovation of the Spanish colonial regime was the concept of land being owned by individuals or "the gradual adoption of the European principle of individual ownership." Curiously, the Lynch article, which was based on the author's doctoral dissertation at Yale Law School, does not appear in May's bibliography, in spite of the fact that, when one compares the sources used in both articles, one finds a 95-percent similarity.

In spite of this, however, I am not about to say that May merely rehashed or liberally copied from the Lynch article. I am more concerned about the wild claims of the author, such as attributing to Phelan an explanation on the nature of land ownership (communal) in pre-Hispanic Philippines which "dozens of historians" have accepted as gospel truth. Reading through the article, the "dozens" are no more than four authors that include John Larkin, Dennis M. Roth, and Nicholas Cushner who have really made serious studies on the issue of land ownership. Why a mere textbook, *A Past Revisited*, written by Renato Constantino (and by no means specialized on the subject on land) has been mentioned is not explained.

My suspicion is that Phelan is being used as a straw man in order to swipe at Renato Constantino and Left writers who, like Constantino, maintain a concept of historical stages which starts with primitive communalism, then advancing to slavery and feudalism. In his *Philippine Society and Revolution*, Amado Guerrero proposes a communal ownership of land in most parts of the Philippines within his concept of "uneven development" at the advent of Spanish colonial rule. The issue was a subject of intense and heated debates in student activist circles in the late 1960s and early 1970s. It is thus incorrect to say that this proposition by Guerrero derived from Phelan. Long before the publication of Phelan, this view of land relations could be seen in the writings of Marxist intellectuals in the 1950s.

With the advances in historical methodology and research, however, Filipino historians have already made some rethinking on the rather simplistic assumption of "uneven development," including the so-called "communal ownership of land." Particularly useful in the refinement of the current knowledge on land ownership are the disciplines of ethnography and linguistics. Since most of the tribal peoples never experienced colonial domination, their practices can be taken as a reservoir from which an intelligent guess can be made on the condition of pre-Hispanic societies.

As has been shown by the studies of E. Arsenio Manuel (1999) on the Mindanao Manuvu, the very language of the Philippines already contains indications of personal property (as, for instance, the words *kanya*, *akin*, *iyo*, and so on). It is unthinkable for a group such as the Manuvus to have such possessive pronouns without having a concept of personal ownership of land. Indeed, Manuel has shown that, even within the larger framework of "common ownership of ancestral lands," the individual Manuvu can point to specific places as belonging to him. When someone dies of drowning in a river, an agreed perimeter of the place becomes the "property" of his immediate relative. This is also true among many tribes whose ownership of individual lots (such as productive valleys) is validated by the presence of a relative buried nearby, in a place usually under big trees, caves and rock shelters.

By relying almost entirely on written materials, May's article is reduced to issues of authenticity and validity of documents. He does not resolve how far one could go in accepting the various observations of Spanish chroniclers. Since he thought that one could not rely on the works of Morga, Plasencia and Alzina, written more than fifty years from the start of Spanish colonization, which materials would be left then for his analysis? Since he is uncertain as to the motives of the writers of documents, he finds an excuse for saying that there is no definiteness in the conclusions such as Phelan's. By engaging in this nitty-gritty of historiography, the reader is led away from the really relevant issue at hand: the changes in Philippine indigenous society brought about by colonialism.

May's claim that there is no such thing as "European (much more, Spanish) concept of land ownership" at the time of their colonial rule in the Philippines, therefore, sits on fragile grounds. While the idea of a Spanish system being itself unorganized in Spain (as it even had communal land ownership) can be accepted as correct, it does not automatically follow that the same disorganized titling system should be expected in the Philippines. As had been commanded by the Christian Monarch Isabela I, "the colonies are a patrimony to my Castilla and Leon." The method of rule should be fresh: not necessarily a duplicate of Spain but adjusted to the conditions and needs of the different colonies. As proof, the system of Cortes and the code of privileges called *fueros* never had equivalents in the colonies. Aware was the Crown of the dangers of secession by colonies if power were given to the officials who could have their own laws according to their understanding of the traditions in Spain (such as the *fueros*, so sacred in various communities in Spain). That being the case, the Philippine experience should be examined on its own terms.

If "Hispanization" is taken as synonymous to "Spanish colonialism," then there is no doubt that Phelan is correct. There had been changes in all aspects of Philippine life, including land ownership, so massive and transcendental that it becomes offensive to dismiss it as inconsequential. The introduction of a piece of paper called *titulo* implied a whole complex of relationships that cannot be shelved as uneventful. Colonialism is the overarching framework, principle, and reality within which every aspect of Philippine life at that time should be analyzed.

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John N. Schumacher, S.J.

Glenn May is not a historian ready to repeat without question the dominant or accepted historical orthodoxies, no matter how impressive the list of predecessors who have done so. He has shown it in more than one of his books, most notably in his book on Andres Bonifacio, *Inventing a Hero*. Though I myself cannot accept all his conclusions in that book, unfortunately his arguments were for the most part not met here with solidly-based counterarguments. Rather, several of those who had personal stakes of one kind or another in the orthodoxy imposed by Teodoro M. Agoncillo answered him with few solid arguments and much personal vilification. Well-known historians used such epithets as the “ugly American returns” (Guerrero and Villegas 1997), or marred argumentation with highly-charged emotion and a kind of reverse racism of “white” vs. “brown-skinned” (Ileto 1998, 224, 231), or edited a book of essays by historians, most of whom had already joined the attacks on his scholarship, while regretting she could not find anyone to take the other side (Churchill 1997, v), though it seems she did not look very far. What resulted was an attempt to dismiss his book without trying really to answer his whole sequence of arguments. As one who read the original manuscript, and while pointing out a number of defects, recommended it positively to a university press for publication, hoping that it would lead to a real scholarly discussion among historians in the Philippines, I was badly disappointed. I have yet to see any solid refutation of such key points raised by May as the dubious role of Epifanio de los Santos, and the even more dubious activity of Jose P. Santos.

It may be hoped that his important article on pre-Hispanic land tenure will receive better treatment, and its major contributions will be recognized. If anything, I find May too modest in his final assertions, since I am convinced that he has clearly established, as far as that can be done, several major key points.

First of all, he makes clear that, at least in Luzon, there definitely was individual private property in land as well as communal lands of the whole barangay.

Secondly, he shows that, if not all, at least the near-totality of historians dealing with the question (and in this I include myself) took their conclusions from the few pages devoted to the question by John Leddy Phelan in his book, *The Hispanization of the Philippines* (1959), whose focus was not on land tenure at all.

I might add a few corroboratory remarks to this point. Phelan, though a respected Latin American historian, was not a Philippine specialist, never came to this country, and never wrote another book on the Philippines. His book, it is true, is in my opinion the beginning of modern historical writing in English on Spanish Philippines, and all subsequent historians of that period have had to make use of it. But it is out of date today, even as regards its main focus, namely, the process of evangelization and the hispanization he believed was a consequence.

Phelan's book was written under the auspices of the Philippine Studies Program of the 1950s and 1960s conducted jointly by the anthropology department of the University of Chicago, the Chicago Natural History Museum, and the Newberry Library, of which Phelan was a Fellow for three and a half years, and where he did most of his work. This program, under the principal direction of Dr. Fred Eggan, produced some of the Philippines' early postwar historians and anthropologists. Fr. Frank Lynch, who was associated with it while getting his Ph.D. in anthropology and knew Phelan well, once told me, when I questioned the economic section of a book obviously mostly concerned with evangelization, that the original title Phelan had for his project was "The Christianization of the Philippines," but later included other material for a wider focus. These were principally the sections on the economy, including land tenure. Hence May is quite correct in saying that Phelan was not seriously concerned with land tenure.

Moreover, Phelan did only four months of research in Spain, almost certainly, to judge from what he says in his preface, not on questions of land tenure. His main sources for Spanish documents, apart from the printed books and transcripts of the Newberry Library, were the microfilms of major Jesuit archives in Rome and Spain, microfilmed for the Pius XII Library of St. Louis University by Fr. Ernest J. Burrus, S.J., guided, for the Philippine materials, by Fr. Horacio de la

Costa, S.J. Among these, it is true, were included the massive Pastells collections of transcripts from the Archivo General de Indias in Seville, located in Madrid and Barcelona, but Pastells had different interests in what he selected for copying, and land tenure was not one of them.

None of this is to the discredit of Phelan as a historian, pioneer that he was in Spanish manuscript sources, as May makes clear, but it certainly lessens any authority (to which he did not lay claim) on pre-Hispanic land tenure. The limitations of his archival research he has clearly laid out in the bibliographical essay of his book.

A third major point May has made well is that all of us have unthinkingly spoken of the Spaniards introducing a "European" or "Spanish" form of land tenure. On reflection, most historians with interests broader than the Philippines would recall that there were any number of forms of land tenure in sixteenth-century Europe, and even within Spain itself. No doubt, practice in Castile, under which the Indies fell, had the greatest influence overseas. But Castile itself, as May notes, had a wide variety of systems resulting from the various stages of the *Reconquista*.

A fourth point developed by May is that the dominant assumption of Phelan's time was that of a linear development of tribal societies from primitive communal ownership to a system based on private ownership. Though clearly propounded by Marx and Engels, likewise most non-Marxist historians of that time, particularly those studying Latin America, conceived the development of primitive tribal peoples according to that paradigm. It was natural for a Latin Americanist like Phelan to expect a similar development in the Philippines. May points out that Mexican historians of recent decades have abandoned that historiographical tradition in which Phelan was trained. Particularly for a historian like Renato Constantino, for whom Marxist ideology so often dominated over historical evidence, such a paradigm was congenial to his depiction of pre-Hispanic society.

Some Further Considerations

May gives me credit for recalling that there were not only the major haciendas belonging to the religious orders but those of other church

institutions (and hence not included in the "friar lands" sale of the early twentieth century), but also smaller lands, significant in their aggregate, belonging to *cofradías* and *capellanías*, an undetermined number of which exist to the present. The major institutional haciendas, only recently studied in depth (Connolly 1992), were finally all sold only in the 1950s, though some administrators had long attempted to sell them to the tenants, though the latter were often intimidated from acquiring their plots by threats and other means, including murder, by outside agitators, notable among whom was the lawyer Juan Rustia, thrice debarred by the Supreme Court.

In addition, there were an undetermined number of lands owned by *cofradías*, lay brotherhoods devoted to religious exercises, the revenues of whose lands were used for celebrating the town fiesta in grand fashion, but also for such pious purposes as caring for the sick or providing support to catechists. Usually, though not always, under the spiritual direction of priests, some operated with considerable independence. Certain confraternities have existed at least since the late seventeenth century, and some have accumulated relatively large amounts of land, donated over the centuries by more affluent *cofriales*, as the members were called.

One extraordinary one, studied by a theology student of mine, turned out to have rich fishponds, amounting to 180 hectares in the town of Paombong, Bulacan. Other town confraternities he noted had less extensive rice lands, but still substantial in size. All of these were owned in common by the respective confraternity, though formed from individual donations and, until more recent times, with minimal ecclesiastical intervention. Today, centralized in the diocese, the bishop allots a yearly amount for the town fiesta, but the larger part is used for supporting parish schools and catechists (Valera 1989).

Even less investigated by scholars, at least as far as the land tenure aspect is concerned, are the *capellanías*, though they are more significant for pre-Hispanic land ownership. The only historian to research them at any length, and specifically for those founded by persons of undeniable native names, has been Luciano P. R. Santiago (1987). He defines them aptly as "a type of perpetual pious grant (*obra pía*) usually in the form of tilled or residential lands, the income of which was applied for the

support of a priest who was called *capellán* (chaplain). The latter, in turn, was obliged to offer a specific number of masses annually for the soul or intention of the founder.”

Though Santiago’s interest was not in land tenure, his data show several relevant points. They are: (1) that the first capellanía discovered to have been founded by a Filipino was by a bequest of 10 November 1605, from Doña Ana Matcal of Bacolor, Pampanga; (2) this capellanía consisted in lands valued at that time at 250 pesos, a quite substantial amount in 1605. Thus, we have a Filipina *principal* exercising the right of private ownership, within three decades of the beginning of serious evangelization there. It is of interest that the first capellanía founded by a Spanish ecclesiastic was dated 1601, and by a Spanish layman, 1607, by which time at least two others had been founded by Filipino *principales*, all of these consisting in land. Since Santiago’s data are mostly from parishes administered by the Augustinians in the Pampanga-Tagalog heartland, it is likely that there were other such bequests of land in other parishes, and possibly earlier.

Moreover, since these grants of land entailed a perpetual obligation, their value increased with time, except during periods like the British occupation when such properties were destroyed or badly damaged. This increase in value was especially significant as what had originally been rural rice lands became urbanized. In a casual conversation with Cardinal Rufino J. Santos around 1968, on learning that I was a church historian, he told me of his efforts to reorganize the archdiocesan archives, damaged during the Second World War, to determine that the obligations on the part of the Catholic Church were still being fulfilled. As an example, he cited a piece of land, then located in the district of Sta. Cruz, Manila, which, donated in the sixteenth or early seventeenth century, was by this time worth millions of pesos. Though a casual remark without any exact specifications, it indicates that capellanías are a fertile field for study of early Spanish, and probably pre-Hispanic, land tenure.

Besides his main points on pre-Hispanic land tenure, which must affect numerous standard accounts, May has opened other avenues into the whole question of the evolution of land tenure. For this, every se-

rious historian must be grateful, and we may hope that he or others will pursue them.

I have only one quibble, namely that inheritance by itself, as described by Juan de Plasencia, does not necessarily connote private ownership. The wealthy *inquilinos* on the church haciendas in the nineteenth and twentieth centuries were "tenants," who ordinarily actually farmed their lands through their *kasama*. Though theoretically the lands of the *inquilinos* reverted to the hacienda at the death of the lessee, in fact they were passed on from generation to generation, and the hacienda administrators, who found the system convenient for various reasons, tolerated the practice, so that the *inquilinos*, apart from their relatively small rent to the hacienda, acted with the ordinary attributes of owners (Martínez de Zúñiga 1893, 47–48).

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